

**STATEMENT OF CONSIDERATION RELATING TO:**

**805 KAR 1:110      Amended After Comments**

**Environmental and Public Protection Cabinet**  
Department for Natural Resources  
Division of Oil and Gas Conservation

January 4, 2008

- (1) The public hearing scheduled for November 27, 2007, at 1:00 p.m. at the Department for Natural Resources, #2 Hudson Hollow, Frankfort, KY and published in the Administrative Register of Kentucky on November 1, 2007, regarding the administrative regulation listed above, was canceled because there were no intents to attend received. Written comments were received on this administrative regulation.

- (2) The following persons supplied written comments regarding this administrative regulation:

Name, Title, and Organization

Brandon C. Nuttall, Geologist, Kentucky Geological Survey

E. Stallings Howell, Chief, Groundwater/Drinking Water Branch, U.S.  
Environmental Protection Agency

William Barr, President, Kentucky Oil and Gas Association

Emily Harkenrider, Administrative Regulation Review Subcommittee, Legislative  
Research Commission

- (3) The following administrative body personnel responded to written comments received:

Name and Title

Marvin Combs, Acting Director, Division of Oil and Gas Conservation

## SUMMARY OF COMMENTS AND RESPONSES

- (1) Subject: Comments submitted by Brandon C. Nuttall, Geologist, Kentucky Geological Survey
- (a) **Comment:** Section 1(3) “Aquifer” (p. 2, lines 11-12) – Should this definition relate directly to a USDW?
- (b) **Response:** The Cabinet elects not to amend the definition of aquifer. “Aquifer” and “USDW” are not necessarily synonymous terms. Though related in this administrative regulation, USDW has a narrower definition than aquifer.
- (a) **Comment:** Section 1(15) “Endanger” (p. 3, lines 17-21) – What about domestic water supply wells (less than 25 individuals, that is a single family)?
- (b) **Response:** The Cabinet has defined “endangerment” to mirror the federal definition as found in 42 U.S.C. § 300h(d)(2).
- (a) **Comment:** Section 1(33) “Public water system” (p. 5, lines 15-17) – This definition relates to comment 2 previous. Domestic and individual water wells aren’t addressed.
- (b) **Response:** As previously stated, the Cabinet has adopted the federal definition.
- (a) **Comment:** Section 7(2), map of area of review (p. 18, lines 11-12) – There is no specification on the required map scale or specification of a base map (i.e., topographic or other). I think the specifications for this map and the map required by Section 11(1)(d) should be more similar.
- (b) **Response:** The Cabinet accepts this recommendation. Language will be inserted in Section 11(1)(d) that specifies a USGS 7½ minute quadrangle topographic map.
- (a) **Comment:** Section 11(1)(d), map of area of review (p. 22, lines 13-22) – Is it the intent here to mean a 1:24,000-scale, 7.5-minute United States Geological Survey topographic map? At times, the standard topographic map scale is not the most appropriate scale on which to represent the required items. Can these maps of the area of review be submitted digitally as a GIS product? Or maybe an image with reference points as allowed in the gas gathering line regs. If GIS is allowed, you should probably specify a particular datum and projection. I suggest NAD83 only

and either unprojected decimal degrees of latitude and longitude or the Kentucky State Plane Single Zone. GPS guidelines?

- (b) **Response:** The Cabinet will use the standard topographic map scale as recommended in the UIC Manual prepared by the EPA, Kentucky Division of Oil and Gas, Kentucky Division of Water and oil and gas industry representatives.
- (a) **Comment:** Section 11(1)(e)3 (p. 23, line 3), 11(1)(e)4 (p. 23, line 4), and 11(1)(g)1 (p. 23 line 13), schematic diagram and operating data -- The requirements to provide the “geological name of the injection or disposal zone”, the “geological name, thickness, and description of the confining zone”, and the “geological name, depth, and location of the source of the injection fluid” are all consistent with the public practice of geology. There is, however, no requirement that this information be supplied or certified by a Kentucky registered professional geologist.
- (b) **Response:** The proposed regulations are consistent with the federal rules. The practice of geology within the state is addressed in Kentucky Revised Statutes Chapter 322A which regulates the licensing of professional geologists.
- (a) **Comment:** Section 11(1)(g)2, standard laboratory analysis (p. 23, line 14-15) – I suggest this section be re-worked to be in compliance with the water analysis report shown on page C-26 of the Commonwealth of Kentucky Class II Injection Well Operators Manual. It might be prudent to reference the EPA standard for RCRA solid wastes is EPA SW-846 and the methods in that document also apply to waste water and ground water. The applicability of EPA SW-846 to injected brines is unknown. In looking at the EPA UIC Regulations it appears that 146.43(7)(iii) simply states “qualitative analyses of all constituents of injected fluids” without listing particular dissolved species or properties (pH, specific gravity, or others). Rather than specific methods, 144.51(3)(i to vi) requires sampling and analytical techniques to be documented. You might want to incorporate by reference some standards that would provide guidelines for what a “standard” laboratory analysis might be. I also wonder about whether an analysis of the connate formation waters might be required. As written, the regulation seems to be between the general requirements outlined by the EPA and an adequately detailed specification that provides operators with a guide to compliance. Has anyone talked to Richard Raymond, the administrator of the Alabama UIC program (205-247-3588), about what they do?
- (b) **Response:** The Cabinet will insert the citations of 40 CFR 136.3 and 40 CFR Part 261, Appendix III for testing methods and procedures in Section 11(1)(g)2 to be consistent with federal requirements.

- (a) **Comment:** General note: Regulatory guidelines are set forth for water supply and injection wells and the distribution system and manifold for getting the injected fluid to the well. What about any water tanks or ponds used for surface storage of fluid prior to treatment or re-injection? Who permits and regulates that? Does that all fall on the Kentucky Division of Water? Neither the regulatory impact analysis nor the fiscal note mentions any effect on the Division of Water.
  - (b) **Response:** The Kentucky Division of Water already has an existing workload with the UIC program. Attaining state primacy of this program will not increase that workload. These facilities continue to be regulated under the authority of the Division of Water.
- (2) Subject: Comments submitted by E. Stallings Howell, Chief, Groundwater/ Drinking Water Branch, U.S. Environmental Protection Agency
  - (a) **Comment:** Section 1.(6)(a) -- Coalbed methane production should not be a part of this definition.
  - (b) **Response:** The Cabinet agrees with this recommendation and will delete "coalbed methane production" from the definition.
  - (a) **Comment:** Section 1.(15) -- If the intent is to use the statutory definition of endangerment then the actual text should be used. §1421(d)(2) Underground injection endangers drinking water sources if such injection may result in the presence in underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.
  - (b) **Response:** The Cabinet agrees with this recommendation and will amend the language of the definition of "endangerment" to coincide with the definition of "endangerment" found in § 1421(d)(2).
  - (a) **Comment:** Section 1.(29) – Unless all owner/operators of UIC wells are required to obtain permits, the definition should be expanded to include owner/operator of UIC wells that are not permitted (rule authorized).
  - (a) **Response:** The Cabinet will amend the language to state that owner or operator means the company or person(s) which have secured a permit for a new or converted well or granted (assigned) a permit for "rule authorized" wells in operation prior to the effective date of this

administrative regulation.

- (a) **Comment:** Section 2.(8) – The last sentence on this section is unclear.
- (b) **Response:** The Cabinet will insert language to specify that a variance may be granted specific to the conditions outlined in Subsection (8) of this administrative regulation.
- (a) **Comment:** Section 2.(8) and (9) – These sections require the “division” to determine various things. Would it not be more appropriate to have the “director” to make the determination?
- (b) **Response:** By Kentucky state statutes, the division is a governmental unit headed by a director. The Cabinet elects not to alter the language as it is the division that acts upon matters pending before the agency.
- (a) **Comment:** Section 6.(3) – Does not include provisions on how to check for internal mechanical integrity if the well is not constructed with a tubing and packer as outlined in 40 CFR § 146.8(b)(3)(i) & (ii).
- (b) **Response:** The Cabinet accepts this recommendation and will insert the language of “Wells shall be constructed in such a manner as to provide annular pressure monitoring between the long casing string and injection string to ensure mechanical integrity.”
- (a) **Comment:** Section 7.(1)(b) – The Administrator does not have the authority to officially approve any model to be used other than the equation outlined in 40 CFR § 146.6.
- (b) **Response:** The Cabinet accepts this recommendation and will delete all language referring to other mathematical models except as specified in 40 CFR § 146.6.
- (a) **Comment:** Section 9.(1) -- EPA would prefer that the mechanism for transfer EPA financial instruments to the State be removed from these rules. The transfer/release of financial documents should be in the Memorandum of Agreement between DOGC and EPA.
- (b) **Response:** Though it may be appropriate to include the mechanism for the transfer of financial instruments in the Memorandum of Agreement, the Cabinet believes Section 9(1) provides the administrative authority to accept transferable bonds from EPA.
- (a) **Comment:** Section 9.(4) – EPA does not give official authorization for shut-ins. But we may have existing enforcement actions that would remain in effect (allowing the wells to maintain shut-in status) until the

wells are in compliance with the action.

- (b) **Response:** The Cabinet accepts this recommendation and will delete Section 9(4) from this administrative regulation.
- (a) **Comment:** Section 11.(4) – The public comment period is only 15 days long. However, §40 CFR 124.10(b) affords a 30 day public comment on a draft permit.
- (b) **Response:** The Cabinet accepts this recommendation and will change the comment period from 15 to 30 days to be consistent with the federal rules.
- (a) **Comment:** The use of the term freshwater could possibly cause confusion with the regulated community. Freshwater is defined as an underground source of drinking water (USDW), where most people do not interpret freshwater to be defined as a USDW.
- (b) **Response:** The Cabinet has included this term to be consistent with the Underground Injection Control Manual prepared by the EPA, Kentucky Division of Oil and Gas, Kentucky Division of Water and representatives of the oil and gas industry.
- (a) **Comment:** The rule does not include a mechanism for modifying a permit.
- (b) **Response:** In Section 2(10) the Cabinet will add language that reads “The division may modify, suspend or revoke a Class II well permit if the injection operation is altered in a way that does not adequately protect the USDW or if a mechanical integrity failure or downhole condition compromises the injection system.”
- (a) **Comment:** The rule does not have a provision that would require wells to be plugged if operations ceases for 2 years or more. This is required at 40 CFR §144.52(a)(6) which states:
  - After cessation of operations of two years, the owner or operator shall plug and abandon the well in accordance with the plan unless he:
  - (i) Provides notice to the Regional Administrator;
  - (ii) Describes actions or procedures, satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.A similar provision should be included in your rules.

- (b) **Response:** The Cabinet accepts this recommendation and will add language consistent with CFR § 144.52 to Section 10 of this administrative regulation.
- (a) **Comment:** EPA has some specific requirements regarding disposal wells. These rules do not differentiate between the disposal wells and other types of Class II wells.
- (b) **Response:** The Cabinet has modified the definition of a Class II well to be consistent with corresponding federal regulations.
- (a) **Comment:** The definition of a well should be included in Section 1. According to 40 CFR §144.3 Well means: A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.
- (b) **Response:** The Cabinet agrees with this recommendation and will add the definition of a well according to the Oil and Gas Well Operator's Manual that reads "A borehole drilled, or proposed to be drilled, for the purpose of producing natural gas or petroleum, or one through which natural gas or petroleum is being produced, or a borehole drilled or proposed to be drilled for the purpose of injecting any water, gas or other fluid therein or one into which any water, gas, or other fluid is being produced."
- (a) **Comment:** Confidentiality of information requirements of 40 CFR §144.7 should be included.
- (b) **Response:** The Cabinet accepts this recommendation and will add confidentiality of information requirements to this administrative regulation in Section 15 of this administrative regulation.
- (3) Subject: Comments submitted by William Barr, President, Kentucky Oil and Gas Association
  - (a) **Comment:** The Kentucky Oil and Gas Association submits the following comments regarding Proposed Regulation **805 KAR 1:110. Underground Injection Control**. KOGA supports efforts of the Division to obtain primacy over the Safe Drinking Water Act Underground Injection Control (UIC) program with respect to Class II injection wells.

The Association's primary concern involves Section 9, which addresses transitional requirements for owners or operators of Class II wells. Section 9(1) states that, "The Division shall accept Class II well permits,



including rule-authorized wells, issued under the authority of the EPA administered program.” However, Section 2(2) of the regulation states that “No person shall inject fluids to the subsurface through a Class II well without the authorization of the Division. Such authorization shall take the form of a permit issued pursuant to Section 11 of this administrative regulation.” The above-quoted language creates ambiguities with respect to existing Class II wells.

The language in Section 9, appears to show that the Division intends to allow owners or operators of existing EPA-permitted or rule-authorized wells to continue operations without submission of an additional permit application or obtaining a new permit. However, the proscription on injection without a permit in Section 2(2) requires operators to obtain a new permit *from the Division* before any injection may take place.

KOGA believes that the operators of EPA-permitted and rule-authorized Class II wells should be allowed to continue operation of those wells without the need to submit the type of permit application required under Section 11 of the regulation. KOGA and its members would be opposed to a requirement that would require a new permitting process with respect to wells which in many cases have been operating in accordance with applicable EPA UIC program requirements for many years. Please state whether the Division contemplates that operators of existing EPA-permitted and rule-authorized wells are going to be required to submit a permit application.

If the intent of the regulation is that the owners of existing EPA-permitted and rule-authorized Class II wells would submit information so that the Division has knowledge of location and construction of existing wells, the regulation should provide a separate mechanism for submission of that information rather than requiring a full permit application such as an entity would submit for a new Class II well.

Class II wells that were permitted after the effective date of EPA’s UIC program have already gone through an exhaustive review process. Rule-authorized wells in operation since the onset of the UIC program have been required to pass repeated mechanical integrity tests. There is little need for the State to compile exhaustive information with respect to either of these two subsets of wells.

If it is the intent of the Division to consider existing EPA-permitted and rule-authorized Class II wells to be permitted upon the submission of the financial responsibility demonstration and the plugging and abandonment plan, as stated in Section 9(1), the regulation should clearly state that such wells will be deemed to have a permit. If it is the intent for such wells to be deemed permitted under the new regulation, the first sentence of Section 9(1) should be amended to state as follows, “The Division shall

accept Class II well permits, including rule-authorized wells, issued under the authority of the EPA administered program, and those wells shall be deemed to be permitted by the Division, provided that the owner or operator satisfies the requirements of this Section 9.” If the ambiguity is not eliminated, existing EPA-permitted and rule-authorized wells would be required to cease injection until the Division has time to issue a new permit, a condition which would be highly unacceptable.

Furthermore, the regulation could be interpreted as to require the Division to require each existing UIC well to go through an approval process prior to issuance of a permit. Please state whether the Division intends to require existing wells to be approved by the Division prior to operation after the effective date of primacy.

- (b) **Response:** The Cabinet accepts the recommendation to insert the language of “The Division shall accept Class II well permits, including rule-authorized wells, issued under the authority of the EPA administered program, and those wells shall be deemed to be permitted by the Division, provided that the owner or operator satisfies the requirements of this Section 9.” It is not the intent of the Cabinet to shut down operations while reviewing the timely submittals of transitional documentation.
  - (a) **Comment:** Section 13, regarding workover of Class II wells is overbroad. Any type of well workover, logging or testing “may reveal” downhole conditions. Notification should only be required in the event that workover activities create or identify changed or adverse downhole conditions.
  - (b) **Response:** The language contained within Section 13 is consistent with the federal rules.
- (4) **Subject:** Comments submitted by Emily Harkenrider, Administrative Regulation Review Subcommittee, Legislative Research Commission
  - (a) **Comment:** There are several technical corrections proposed for this administrative regulation.
  - (b) **Response:** The Cabinet accepts the proposed technical corrections and will amend this administrative regulation appropriately.

## SUMMARY OF STATEMENT OF CONSIDERATION AND ACTION TAKEN BY PROMULGATING ADMINISTRATIVE BODY

The Department for Natural Resources has responded to comments from the public comment period regarding proposed regulations of 805 KAR 1:110. The Department proposes the following amendments after comments:

### Amendments to 805 KAR 1:110

#### Page 1

#### RELATES TO

##### Line 6

After "KRS", insert the following:

353.180(3), 353.510, 353.520, 353.550, 353.570(1), (2), 353.590,  
353.992, 40 C.F.R. 146.6, 42 U.S.C. 300j-6

Delete the remainder of the RELATES TO paragraph in its entirety.

#### Page 1

#### NECESSITY, FUNCTION, AND CONFORMITY

##### Line 11

After "provides that", delete "such".

After "damage to underground", delete the comma.

##### Line 13

After "oil and gas", insert a semicolon.

Delete the comma.

##### Line 14

After "or their constituents", insert a semicolon.

##### Line 17

After "other completion practices.", delete "Further,".

##### Lines 19 - 20

After "Injection Control Program.", delete the following:

Therefore, it is the purpose of

##### Line 20

After "this administrative regulation", insert "establishes requirements for".

Delete "to regulate".

#### Page 2

#### NECESSITY, FUNCTION, AND CONFORMITY

##### Lines 1 - 2

After "If wells and", insert "the protection of".

Delete "to protect".

#### Page 2

#### Section 1(2)

##### Line 7

After "(2)", insert the following:

"Aquifer" means an underground geological formation, group of  
formations, or part of a formation that is capable of yielding a  
significant amount of water to a well or spring.

(3)

**Line 8**

After "an injection well", insert ", except that,".  
Delete ": provided, however, that".

**Line 10**

After "accordance with", insert "40 CFR 146.6".  
Delete "40 CFR 146.06".

**Page 2**

**Section 1(3)**

**Lines 11 - 12**

Delete subsection (3) in its entirety.

**Page 2**

**Section 1(4)**

**Line 15**

After "hole and", delete "thus".

**Line 16**

After "porous ground", delete the comma.

**Page 2**

**Section 1(5)**

**Line 17**

After "means the operation", insert "in which".  
Delete "whereby".

**Page 2**

**Section 1(6)**

**Line 19**

After "which injects fluids" insert the following:  
:(a) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste when injected;  
(b) For enhanced recovery of oil or natural gas; or  
(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

Delete the comma and paragraphs (a) through (c).

**Page 3**

**Section 1(7)**

**Line 3**

After "a well which", insert "may".  
Delete "can".

**Line 4**

After "oil and gas", delete the comma.

**Page 3**

**Section 1(8) and (9)**

**Lines 5 - 7**

After "(8)", delete the remainder of subsection (8) and delete "(9)".

**Page 3**

**Section 1(9) and (10)**

**Lines 8 - 9**

After "an injection zone.", insert "(9)".

Delete "(10)".

**Page 3**

**Section 1(10) and (11)**

**Lines 10 - 11**

After "matter in water.", insert "(10)".

Delete "(11)".

**Page 3**

**Section 1(11)**

**Line 12**

After "(UIC) Program", delete the comma.

**Line 13**

After "Water Act", insert the following:

as codified in 42 U.S.C. 300h-4

(11)

Delete subsections (12) and (13) in **their entirety** and delete "(14)".

**Page 3**

**Section 1(14) and (15)**

**Lines 16 - 17**

After "and Gas Conservation.", insert "(12) "Endangerment"".

Delete "(15) "Endanger"".

**Page 3**

**Section 1(15)**

**Line 18**

After "which supplies or", insert "may".

Delete "can".

**Line 19**

After "or any contaminant", insert a comma.

**Line 20**

After "result in", insert "violation of".

Delete the following:

such system not complying with

**Page 3**

**Section 1(15) and (16)**

**Lines 21 - 22**

After "health of persons.", insert "(13)".

Delete "(16)".

**Pages 3 - 4**

**Section 1(16) and (17)**

**Lines 22 and 1**

After "Protection Agency.", insert the following:

(14) "Flow rate" means the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, or turbine or passes along a conduit or channel.

(15) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or other form or state.

(16)

Delete "(17)".

**Page 4**

**Section 1(18) - (20)**

**Lines 7 - 13**

Delete subsections (18), (19) and (20) in their entireties.

**Page 4**

**Section 1(21)**

**Lines 13 and 14**

After "other form or state" insert "(17)"

Delete "(21)".

After "'Freshwater'", insert "means".

Delete "is defined as".

After "of drinking water", delete "(USDW)".

**Page 4**

**Section 1(22) - (24)**

**Lines 15 - 17**

Renumber subsections (22) through (24) as subsections (18) through (20), respectively.

**Pages 4 and 5**

**Section 1(24) - (26)**

**Lines 17 - 22 and 1**

After "are being injected.", insert "(21)".

Delete subsection (25) in its entirety and delete "(26)".

**Page 5**

**Section 1(26) - (28)**

**Lines 2 - 5**

After "through a well.", insert "(22)".

Delete subsection (27) in its entirety and delete "(28)".

**Page 5**

**Section 1(28)**

**Line 5**

After "if there is", insert "not".

Delete "no".

**Line 6**

After "or packer and", insert "if there is not".  
Delete "no".

**Page 5**

**Section 1(28) and (29)**

**Lines 7 - 8**

After "the well bore.", insert "(23)".  
Delete "(29)".

**Page 5**

**Section 1(29)**

**Line 8**

After "the company or", insert "person having".  
Delete "person(s) which have".

**Lines 8 and 9**

After "secured a permit", insert the following:

for:

(a) A new or converted well; or

(b) A rule authorized well in operation prior to the effective date of primacy, as defined in subsection (10) of this section.

Delete " from the division and responsible for any facility or activity.".

**Page 5**

**Section 1(30) - (33)**

**Lines 10, 11, 14, and 15**

Renumber subsections (30) through (33) as subsections (24) through (27), respectively.

**Page 5**

**Section 1(33)**

**Line 16**

After "consumption, if", insert "the".  
Delete "such".

**Pages 5 and 6**

**Section 1(33) through (38)**

**Lines 17 - 22 and 1 - 6**

After "(25) individuals.", insert "(28)".

Delete subsections (34) through (37) in their entireties and delete "(38)".

**Page 6**

**Section 1(38)**

**Line 6**

After "of drinking water", insert "or 'USDW'".

Delete "(USDW)".

After "or its portion", insert the following:

, which is not an exempted aquifer and which

**Page 6**

**Section 1(38)(a)1.**

**Line 7**

After "(a)", delete "1. Which".

**Page 6**

**Section 1(38)(a)1. and 2.**

**Lines 7 - 8**

After "system; or", insert "(b)".

Delete "2. Which".

**Page 6**

**Section 1(38)(a)2.a. and b.**

**Lines 7 - 10**

After "public system; and", insert "1".

Delete "a".

After "human consumption; or", insert "2."

Delete "b".

**Page 6**

**Sections 1(38)(a)2.b. and 1(38)(b)**

**Lines 10 - 11**

After "dissolved solids", delete "; and" and delete paragraph (b) except the period.

**Page 6**

**Section 1(38)**

**Line 11**

After "exempted aquifer", insert the following:

(29) "Well" means a borehole drilled, or proposed to be drilled, for the purpose of:

(a) Producing natural gas or petroleum, or one through which natural gas or petroleum is being produced; or

(b) Injecting water, gas, or other fluid or one into which water, gas, or other fluid is being produced.

**Page 7**

**Section 2(1)**

**Line 18**

After "(1)", insert "A person shall not".

Delete "No person shall".

**Page 7**

**Section 2(2)**

**Line 20**

After "(2)", insert "A person shall not".

Delete "No person shall".

**Line 21**

After "of the division", insert "in".



Delete ". Such authorization shall take".

**Page 8**

**Section 2(3)**

**Line 1**

After "Class II well", insert "shall".

Delete "is required to".

**Page 8**

**Section 2(4)**

**Line 6**

After "KRS 353.590", insert "(2)(a)".

**Page 8**

**Section 2(5)**

**Lines 8 - 9**

After "given to the", insert "**division**".

Delete "director".

After "to the director", insert the following:

on the Well Transfer for UIC Wells, Form ED-26, and

Delete the following:

. Such notice, filed on Form ED-26, incorporated by reference,

**Page 8**

**Section 2(5)(a) through (f)**

**Lines 10 - 15**

After the text of each paragraph in paragraphs (a) through (f), insert a semicolon and delete the period.

**Page 8**

**Section 2(5)(f)**

**Line 15**

After "and the successor", delete the comma.

**Lines 15 - 16**

After "their official", insert "representatives; and".

Delete "representative(s)".

**Page 8**

**Section 2(5)(g)**

**Line 17**

After "for the well", delete the comma.

**Page 8**

**Section 2(5)(g) and (h)**

**Lines 18 - 19**

After "this administrative regulation.", insert "(6)".

Delete "(h)".

**Page 8**

**Section 2(5)(h)**

**Line 19**

After "outstanding noncompliance", insert "shall".

Delete "will".

After "not be transferred", insert a comma.

**Line 20**

After "correct deficiencies", insert "and submit,".

Delete ", and submits".

**Line 21**

After "approved by the division", insert the following:  
pursuant to subsection (11) of this section

**Page 8**

**Sections 2(5)(h) and 2(6)**

**Lines 21 - 22**

After "by the division.", insert the following:

(7) A Class II well

Delete the following:

(6) All Class II wells

**Pages 8 - 9**

**Section 2(6) and (7)**

**Lines 23 and 1**

After "whichever is applicable.", insert the following:

(8) An injection permit shall not

Delete the following:

(7) No injection permit shall

**Line 2**

After "well will not", insert the following:

cause the endangerment of

Delete "endanger".

**Page 9**

**Section 2(7) and (8)**

**Lines 2 and 6**

After "endanger a USDW.", insert "(9) (a)".

Delete "(8)".

**Page 9**

**Section 2(8)**

**Line 6**

After "If the", delete "division determines that".

**Line 7**

After "is inadequate and", delete "that".

After "of fluids" insert the following:

cause the endangerment of a

Delete "endangers"

**Line 9**

After "operator of", insert "a".

Delete "such".

After "necessary corrective action.", insert "(b)".

**Line 11**

After "owner or operator.", insert the following:

(c) An injection shall not be

Delete "No injection is".

**Line 12**

After "completed and", delete "a".

After "mechanical integrity", delete "test".

After "has been conducted", insert "demonstrated".

**Page 9**

**Section 2(8) and (9)**

**Lines 12 - 13**

After "has been conducted.", insert "(10) (a)".

Delete "(9)".

**Page 9**

**Section 2(9)**

**Lines 13 - 14**

After "division shall,", insert "as practical".

Delete the following:

to the maximum practicable extent

**Line 15**

After "hydrological", insert a comma.

After "within the state.", insert "(b)".

**Line 16**

After "may,", insert "if".

Delete "where".

After "upon", insert the following:

submittal of the Class II Well Permit Application for Underground  
Injection Control, Form ED-14

Delete "application".

**Line 17**

After "requirement of", insert the following:

subsection (8) of this section

Delete the following:

of this administrative regulation

**Line 18**

After "regulation upon a", insert "demonstration".

Delete "showing".

**Page 9**

**Section 2(9)**

**Line 19**

After "USDW", insert the following:

(11) The division may modify, suspend or revoke a Class II well permit if  
the injection operation is altered in a way that does not adequately

protect the USDW or if a mechanical integrity failure or downhole condition compromises the injection system.

**Page 10**

**Section 3(2)(a)**

**Line 2**

After "mineral, hydrocarbon", insert a comma.

After "producing, or", insert "may".

Delete "can".

**Page 10**

**Sections 3(2)(c) and 3(3)**

**Lines 8 and 11**

After "human consumption; or", insert "(d)".

Delete "(3)".

**Page 10**

**Section 3(3)**

**Line 12**

After "than 10,000 mg/l", insert a comma.

**Page 11**

**Section 4**

**Line 15**

After "Requirements Applicable to", delete "All".

**Line 16**

After "fluids through", insert "a Class II well".

Delete "all Class II wells".

**Page 11**

**Section 4(1)**

**Line 18**

After "(1)", insert "(a)".

**Line 20**

After "of the Class II", insert "well".

Delete "wells".

**Line 21**

After "an injection system.", insert "(b) The".

Delete "Said".

**Line 23**

After "be revoked.", insert "under appropriate conditions (c)".

**Page 12**

**Section 4(2)**

**Line 6**

After "and plugging procedures", insert a comma.

**Page 12**

**Section 4(3)**

**Line 8**

After "(3)", insert "(a)".

After "the injection pressure in", delete "such".

After "a manner", insert "so".

**Line 10**

After "the confining zone", insert "that".

Delete "which".

**Line 11**

After "USDW.", insert "(b)".

After "USDW. The", insert "division".

Delete "director".

After "director may,", insert "if".

Delete "when".

**Line 12**

After "pressure at which", insert "a Class II well".

Delete "Class II wells".

**Lines 12 - 13**

After "may be operated.", insert "(c)".

**Line 13**

After "Any", delete "such".

**Page 12**

**Section 4(4)**

**Line 15**

After "(4)", insert "(a)".

**Lines 17 - 18**

After "to the well bore.", insert "(b)".

**Line 19**

After "of the Class II", insert "well".

Delete "wells".

**Lines 20 and 23**

After "this administrative regulation.", insert "(c)".

**Page 13**

**Section 4(4)**

**Line 1**

After "Section 6(6)", insert the following:

of this administrative regulation. (d) An

Delete ". Any".

**Line 2**

After "by the division", insert "shall".

Delete "must".

**Page 13**

**Section 4(5)**

**Line 3**

After "(5)", insert "(a)".

**Line 4**

After "shall submit on", insert the following:

the Annual Disposal or Injection Well Monitoring Report," Form ED-18

Delete "forms".

**Line 5**

After "the results of", delete "such".  
After "to the division.", insert "(b)".

**Line 6**

After "shall retain all", insert "these".  
Delete "such".  
After "five (5) years.", insert "(c)".

**Lines 8 - 9**

After "well basis if", insert "the".  
Delete "such".

**Line 9**

After "injection well,", insert "operated".  
Delete "operate".

**Page 13**

**Section 5**

**Line 14**

After "Construction Requirements for", delete "All".

**Page 13**

**Sections 5 and 5(1)**

**Line 14**

After "Class II Wells. (1)", insert "(a) A".  
Delete "All".

**Line 15**

After "II injection", insert "well".  
Delete "wells".

**Line 17**

After "a manner that", insert "shall".  
Delete "will".  
After "to a USDW.", insert "(b)".

**Line 18**

After "wells authorized", insert "by".  
Delete "under".

**Line 20**

After "to a USDW.", insert "(c) 1.".  
After "of casing", insert "shall".  
Delete "must".

**Lines 21 - 22**

After "whichever is greater.", insert "2.".

**Lines 22 - 23**

After "annular space of", insert "the casing. 3. This".  
Delete "said casing. Such".

**Page 14**

**Section 5(1)**

**Line 1**

After "to the surface.", insert "4.".

**Line 3**

After "interval, and", insert "shall".

Delete "must".

**Lines 3 - 4**

After "300 feet of casing.", insert "5.".

**Line 5**

After "back to surface.", insert "(d)".

**Line 7**

After "injection zone.", insert "(e)".

**Line 8**

After "casing plan on", insert the following:

the Casing and Cementing Plan for UIC Wells,

After "Form ED-25,", delete "incorporated herein by reference,".

**Lines 8 - 9**

After "submitted with the", insert the following:

Class II Well Permit Application for Underground Injection Control, Form  
ED-14

Delete "application".

**Line 9**

After "permit to inject.", insert "(f)".

**Page 14**

**Section 5(2)**

**Line 12**

After "(2)", insert "(a) An".

Delete "Any".

After "and gas well", delete the comma.

**Line 14**

After "cementing of", insert the following:

a Class II well. (b)

Delete "Class II wells.".

**Lines 15 - 16**

After "the conversion of", insert "the well".

Delete "said well(s)".

**Lines 17 - 18**

After "(50) feet above", insert "the".

Delete "said".

**Page 14**

**Section 5(3)**

**Line 19**

After "(3)", insert "A".

Delete "All".

After "II disposal", insert "well".

Delete "wells".

**Page 14**

**Section 5(4)**

**Lines 21 - 22**

After "geophysical logs and", insert "results of".

Delete "other".

**Line 22**

After "completion of", insert the following:  
a Class II well that  
Delete "Class II wells which".

**Page 15**

**Section 5(4)**

**Line 1**

After "relate to the", insert "USDW,".  
Delete "USDW(s) and".

**Page 15**

**Section 5(4)(a)**

**Line 3**

After "(a) A", insert "geophysical log".  
Delete "log(s)".  
After "the confining", insert "zone,".  
Delete "zone(s)".

**Page 15**

**Section 5(4)(b)**

**Line 5**

After "(b)", capitalize "a".  
After "confining and injection", insert "zone".  
Delete "zone(s)".

**Line 6**

After "geologic **name**", insert a comma.  
After "and thickness;", insert "and".

**Page 15**

**Section 5(4)(c)**

**Line 7**

After "(c)", insert "1.".  
After "the injection zone.", insert "2.".

**Line 9**

After "chemical analysis,", delete "etc;".

**Line 10**

After "state of Kentucky.", insert "3.".

**Line 11**

After "nearby wells if", delete "they are".

**Line 12**

After "an area permit,", insert "if".  
After "sufficient information", insert "is available".

**Page 15**

**Section 6**

**Line 14**

After "Requirements for", delete "all".

**Page 15**

**Section 6(1)**



**Line 14**

After "(1)", insert "(a) Operators".  
Delete "All operators".

**Lines 15 - 16**

After "If injection wells.", insert "(b)".

**Page 15**

**Section 6(2)(a)**

**Line 19**

After "(a) There are", insert "not".  
Delete "no".  
After "or packer", insert "; and".  
Delete ", and,".

**Page 15**

**Section 6(2)(b)**

**Line 20**

After "(b) There is", insert "not".  
Delete "no".

**Pages 15 and 16**

**Section 6(3)**

**Lines 21 - 5**

After "well bore. (3)" Insert the following:

One (1) of the following methods shall be used to evaluate the absence of significant leaks under subsection (2)(a) of this section:

(a) Following an initial pressure test, monitoring of the tubing and casing annulus pressure with sufficient frequency to be representative, as determined by the division, while maintaining an annulus pressure different from atmospheric pressure measured at the surface;

(b) A pressure test shall be performed with liquid or gas; or

(c) Records of monitoring demonstrating the absence of significant changes in the relationship between injection pressure and injection flow rate for the following Class II enhanced recovery wells:

1. Existing wells completed without a packer provided that a pressure test has been performed and the data is available and provided further that one (1) pressure test shall be performed at a time when the well is shut down and if the running of the test does not cause further loss of significant amounts of oil or gas; or

2. Existing wells constructed without a long string casing but with surface casing, which terminates at the base of fresh water, provided that local geological and hydrological features allow this construction and provided further that the annular space shall be visually inspected.

For these wells, the division shall prescribe a monitoring program which, shall verify the absence of significant fluid movement from the injection zone into an USDW.

Delete the remainder of Subsection 3 in its entirety.

**Page 16**

**Section 6(4)**

**Line 6**

After "One", insert "(1)".

**Lines 6 - 7**

After "movement under", insert "subsection".

Delete "paragraph".

**Page 16**

**Section 6(4)(a)**

**Line 8**

After "cement bond log;", delete "or".

**Page 16**

**Section 6(4)(b)**

**Line 9**

After "cement to prevent", insert "a".

Delete "such".

**Line 10**

After "migration; or", delete the comma.

**Page 16**

**Section 6(4)(c)**

**Line 11**

After "(c)", delete "such".

**Page 16**

**Section 6(5)**

**Line 12**

After "(5)", insert "(a)".

**Lines 12 - 13**

After "tubing and casing.", insert "(b)".

**Lines 13 - 14**

After "tubing and casing.", insert "(c)".

**Line 15**

After "minus of three", insert "(3)".

After "percent", delete "(3%)".

**Line 16**

After "on the gauge.", insert "(d) A".

Delete "All".

After "mechanical integrity", insert "test".

Delete "tests".

**Line 17**

After "division field inspector.", insert "(e)".

After "field inspector. The", insert "division".

Delete "director".

**Line 18**

After "will be high.", insert "(f)".

After "filed on", insert the following:

the Certificate of Mechanical Integrity.

**Lines 18 - 19**

After "Form ED-22", delete the remainder of subsection (5) ~~except the period.~~

**Page 17**

**Section 6(6)**

**Line 4**

After "(6)", insert "(a)".

After "operator of", insert "a Class II well".

Delete "all Class II wells".

**Lines 5 - 6**

After "mechanical integrity", insert "tests".

Delete "test(s)".

**Line 6**

After "of this section.", insert "(b)".

**Page 17**

**Section 6(7)**

**Line 17**

After "(7)", insert "(a)".

After "shall not perform", insert "a".

After "mechanical integrity", insert "test of a".

Delete "test(s) of any".

**Line 19**

After "proposed test date.", insert "(b)".

**Page 17**

**Section 7**

**Line 22**

After "following information", insert "if".

Delete "when".

**Page 18**

**Section 7(1)(a)**

**Line 2**

After "injection well", insert a comma.

Delete the ~~semicolon~~.

**Page 18**

**Section 7(1)(b)**

**Line 5**

After "(1/4) mile.", delete the remainder of ~~paragraph~~ (b).

**Page 18**

**Section 7(2)**

**Line 11**

After "(2)", delete the following:

The owner or operator of ~~Class II wells~~ shall submit

**Page 18**

**Section 7(2)(a)**

**Line 13**

After "dry holes", insert a comma.

**Lines 13 - 14**

After "and water wells", insert a semicolon.

Delete "; and,".

**Page 18**

**Section 7(2)(b)**

**Line 16**

After "; and", delete the comma.

**Page 18**

**Section 7(2)(c)**

**Line 17**

After "area of review", insert a comma.

**Line 19**

After "common manifold", insert a semicolon.

Delete the period.

**Page 18**

**Section 7(3)**

**Line 20**

After "following data for", delete "any".

After "area of review", delete "shall be submitted".

**Page 18**

**Section 7(3)(a)**

**Line 23**

After "record of plugging", insert "or".

Delete "and/or".

After "completion, and", insert "applicable".

Delete "any".

After "information; and", delete the comma.

**Page 19**

**Section 7(3)(b)**

**Line 3**

After "if the injection", insert "well".

Delete "well(s)".

**Line 4**

After "the injection formation", insert "; and".

Delete the period.

**Page 19**

**Section 7(4)**

**Line 5**

After "(4)", insert "(a) For".

Delete the following:

The owner or operator of any".

**Line 6**

After "or abandoned,". delete "shall submit".

**Line 7**

After "modifications as", delete "are".

**Line 8**

After "drinking water.", insert "(b)".

After "The division", insert "shall".

Delete "may".

**Lines 10 – 18**

Renumber paragraphs (a) through (i) as 1. through 9., respectively.

**Page 19**

**Section 7(4)(h)**

**Line 17**

After "Plugging procedures", insert "upon".

Delete "at the time of".

**Page 19**

**Section 8(1)**

**Line 20**

After "plug and abandon", insert "a well".

Delete "said well(s)".

**Page 20**

**Section 8(1)(b)**

**Line 1**

After "(b) The owner", insert "or".

Delete "of".

After "operator of", insert "a Class II well".

Delete "Class II wells".

**Lines 1 and 2**

After "pursuant to", insert "this administrative regulation".

Delete "these regulations"

After "shall", insert ", upon".

Delete "at the time of".

**Page 20**

**Section 8(2)**

**Line 5**

After "(2)", insert "(a)".

**Line 6**

After "353.590(5).", insert "(b) 1. If".

Delete "In the event that".

**Line 9**

After "the bond amount.", insert "2.".

**Line 10**

After "353.180(3).", insert "3.".

**Page 20**

**Section 9(1)**

**Line 14**

After "(1)", insert "(a)".

After "division shall accept", insert "a".

After "Class II well", insert "permit".  
Delete "permits".

**Line 15**

After "administered program", insert the following:  
Rule authorized wells shall be deemed permitted by the division,  
provided the owner or operator satisfies the requirements this section.  
After "EPA administered program.", insert "(b)".  
After "The division shall", insert "; 1.".

**Line 16**

After "all authorized wells", insert "; and 2.".  
Delete "and shall".

**Lines 16 - 17**

After "approved existing wells.", insert "(c)".

**Line 17**

After "Section 8", insert "of this administrative regulation".

**Line 18**

After "Section 10", insert "of this administrative regulation".

**Line 19**

After "date of primacy.", insert "(d)".

**Line 20**

After "Section 8", insert "of this administrative regulation".

**Line 21**

After "the transfer of", insert "the".  
Delete "said".

**Page 20**

**Section 9(2)**

**Line 22**

After "(2)", insert "(a)".  
After "operator of", insert the following:  
a Class II well having a mechanical integrity test  
Delete the following:  
Class II wells having mechanical integrity test(s)

**Page 21**

**Section 9(2)**

**Line 1**

After "date of primacy.", insert "(b)".

**Lines 1 - 2**

After "EPA of the", insert "well's".  
Delete "well(s)".

**Line 2**

After "mechanical integrity", delete the comma.

**Page 21**

**Section 9(3)**

**Line 5**

After "operator of", insert the following:  
"with a pending application".

Delete "of pending application(s)".

**Line 6**

After "the EPA program", delete the comma.

After "may transfer", insert "a pending application".

Delete "such pending application(s)".

After "to the division", delete the comma.

**Page 21**

**Section 9(4)**

**Lines 9 - 12**

Delete Subsection (4) in its entirety.

**Page 21**

**Section 10**

**Line 13**

After "Class II Wells.", insert the following:

(1) A Class II well

Delete "All Class II wells".

**Line 14**

After "whichever is applicable.", insert "(2)".

**Line 17**

After "the plugging procedure.", insert "(3)".

After "date available.", insert "(4)".

**Page 21**

**Section 10**

**Line 19**

After "ED-38", insert the following:

(5) After cessation of operations of two (2) years, the owner or operator shall plug and abandon the well in accordance with the plan, unless a notice is sent to the division describing actions or procedures that the owner or operator shall take to ensure that the well will not cause the endangerment of a USDW during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the division.

**Page 21**

**Sections 11 and 11(1)**

**Lines 20 - 21**

After "to Inject Into", insert "A Class II Well.".

Delete "Class II Wells. (1)".

**Page 21**

**Section 11(1)**

**Line 21**

After "All persons seeking", insert the following:

a permit to inject into

Delete "to permit".

**Line 22**

After "of this section.", insert the following:

(1) A person shall not inject fluids into

Delete the following:

No person shall inject fluids to

**Pages 21 and 22**

**Section 11(1)**

**Lines 23 and 4**

After "permit to inject.", insert "(2)".

**Page 22**

**Section 11(1)**

**Line 4**

After "An application", insert "for a permit".

**Page 22**

**Section 11(1)(a)**

**Line 7**

After "statement by the" insert "owner or".

**Page 22**

**Section 11(1)(a)**

**Line 7**

After "whether the well", insert "will".

Delete "is to".

**Line 8**

After "for disposal purposes", insert a semicolon.

Delete the period.

**Page 22**

**Section 11(1)(b)**

**Line 9**

After "The approximate", insert "depth".

Delete "depth(s)".

After "known freshwater", insert "zone".

Delete "zone[s]".

**Page 22**

**Section 11(1)(c)**

**Line 10**

After "(c)" insert the following:

In accordance with 805 KAR 1:030, a

Delete "A"

**Lines 10 and 11**

After "Class II injection well", insert **a period**.

Delete the remainder of this paragraph.

**Page 22**

**Section 11(1)(d)**



**Line 13**

After "review map", delete "shall be".

After "prepared on a", insert "7.5 minute quadrangle".

**Lines 13 - 14**

After "map and", insert "including".

Delete the following:

shall include the following information".

**Page 22**

**Section 11(1)(d)2.**

**Line 16**

After "and completion", insert "or".

Delete "and/or".

**Page 22**

**Section 11(1)(d)3.**

**Line 18**

After "hazardous waste", delete the comma.

**Page 22**

**Section 11(1)(d)7.**

**Line 22**

After "permanent residences", insert a semicolon.

Delete the period.

**Page 23**

**Section 11(1)(e)1. - 6.**

**Lines 1, 2, 3, 4, 6, and 7**

After each subparagraph insert a semicolon.

Delete the period.

**Page 23**

**Section 11(1)(e)7.**

**Line 8**

After "of the packer", insert "; and".

Delete the period.

**Page 23**

**Section 11(1)(e)8.**

**Line 9**

After "of drinking water", insert a semicolon.

Delete the period.

**Page 23**

**Section 11(1)(f)**

**Line 11**

After "of the well", insert a semicolon.

Delete the period.

**Page 23**

**Section 11(1)(g)1.**

**Line 13**

After "the injection fluid", insert a semicolon.  
Delete the period.

**Page 23**

**Section 11(1)(g)2.**

**Line 15**

After "Class II permit", insert a comma.  
Delete the period.  
After "the following parameters", insert the following:  
, as contained in 40 C.F.R. 136.3 and 40 C.F.R. Part 261 Appendix III

**Page 24**

**Section 11(1)(g)3.**

**Line 4**

After "safety data sheet", insert "for".  
Delete the following:  
    shall be provided for any  
After "inhibitors", insert "if".

**Line 5**

After "scaling, corrosion", insert a comma.  
After "or bacterial growth", insert a semicolon.  
Delete the period.

**Page 24**

**Section 11(1)(g)4.**

**Line 6**

After "4.", insert "a.".

**Line 7**

After "easing.", insert "b.".  
After "This description", insert "shall".  
Delete "should".

**Line 8**

After "the annulus fluid.", insert "c.".  
After "shall be listed", insert a semicolon.  
Delete the period.

**Page 24**

**Section 11(1)(g)5.a.**

**Line 11**

After "a.", insert "That"  
Delete "that"

**Page 24**

**Section 11(1)(g)5.b.**

**Line 16**

After "b.", insert "For"  
Delete "for"

**Line 17**

After "(Sg)))d", insert a comma.

**Line 18**

After "at the wellhead", insert a semicolon.  
Delete the period.

**Line 19**

After "the injected fluid", insert "; and".  
Delete the period.

**Line 20**

After "zone in feet", insert a semicolon.  
Delete the period.

**Page 24**

**Section 11(1)(h)**

**Line 22**

After "would penetrate", insert a semicolon.  
Delete the period.

**Page 25**

**Section 11(1)(i)**

**Line 1**

After "program on", insert the following:  
the Casing and Cementing Plan for UIC Wells.

**Page 25**

**Section 11(1)(i)1.**

**Line 3**

After "weight, and type", insert a semicolon.  
Delete the period.

**Page 25**

**Section 11(1)(i)2.**

**Line 4**

After "volume and type", insert "; and".  
Delete the period.

**Page 25**

**Section 11(1)(i)3.**

**Line 5**

After "Packer type", insert a semicolon.  
Delete the period.

**Page 25**

**Section 11(1)(j) and (k)**

**Lines 6 and 8**

After paragraphs (j) and (k), insert semicolons.  
Delete the periods.

**Page 25**

**Section 11(1)(l)**

**Line 9**

After "program is utilized", insert the following:  
, a description of the program and a demonstration  
Delete the following:  
describe the program and demonstrate

**Line 10**

After "well monitoring", insert a semicolon.  
Delete the period.

**Page 25**

**Section 11(1)(m)**

**Lines 11 - 12**

After "action plan", insert "which shall".  
Delete "must".  
After "all" insert "wells".  
Delete "well(s)".

**Page 25**

**Section 11(1)(n)**

**Line 13**

After "Section 8(2)", insert "of this administrative regulation".

**Line 14**

After "administrative regulation", insert "; and".  
Delete the period.

**Pages 25 and 27**

**Sections 11(1)(o) and 11(2)**

**Lines 15, 16 and 16**

After "plan by the", insert "owner or".  
After "Section 6(5)", insert the following:  
of this administrative regulation. (3) An  
Delete ". (2)".

**Line 18**

After "to execute", delete "such".

**Page 27**

**Section 11(2) and (3)**

**Lines 18 - 19**

After "of the applicant.", insert "(4)".  
Delete "(3)".

**Page 27**

**Section 11(3)**

**Line 19**

After "an application", insert the following:  
, Class II Well Permit Application for Underground Injection Control,  
Form ED-14,  
After "Class II well", insert the following:  
, an applicant shall personally or by certified mail submit  
Delete "an applicant must serve".

**Line 20**

After "proposed well", insert "to".  
Delete the following:  
personally or by certified mail on

**Page 28**

**Section 11(3)(a)**

**Line 2**

After "under this", insert "administrative".  
After "yet in production", insert a semicolon.  
Delete the period.

**Page 28**

**Section 11(3)(b)**

**Line 3**

After "Chapter 350", insert "; and".  
Delete the period.

**Page 28**

**Sections 11(3)(c) and 11(4)**

**Lines 4 - 5**

After "the well penetrates.", insert "(5)(a)1.".  
Delete "(4)".

**Page 28**

**Section 11(4)**

**Line 6**

After "of the permit", insert "shall".  
Delete "may".  
After "permit may, within", insert "thirty (30)".  
Delete "fifteen (15)".

**Line 7**

After "request a hearing.", insert "2.".

**Line 8**

After "the hearing request", insert "shall".  
Delete "must".

**Line 9**

After "may be obtained.", insert "(b)1.".

**Lines 11 - 12**

After "well is located.", insert "2.".

**Line 12**

After "shall include", insert "; a.".

**Line 13**

After "applicant", insert "; b.".  
Delete the comma.  
After "the proposed well", insert "; c.".  
Delete the comma.

**Line 14**

After "injection zone", insert "; d.".

Delete the comma.  
After "injection pressure", insert "and e.".  
Delete ", and".

**Lines 14 - 15**

After "barrels each day.", insert "3.".

**Line 16**

After "permit may, within", insert "thirty (30)".  
Delete "fifteen (15)".

**Line 17**

After "request a hearing.", insert "4.".

**Line 18**

After "hearing requests", insert "shall".  
Delete "must".

**Lines 19 - 20**

After "the proposed permit", insert "may".  
Delete "can".

**Line 20**

After "be obtained.", insert "5.".

**Lines 20 - 21**

After "this subsection", insert "shall".  
Delete "must".

**Line 21**

After "Class II well", insert "shall".  
Delete "can".

**Pages 28 and 29**

**Section 11(4) and (5)**

**Lines 21 and 12**

After "be issued.", insert "(6)(a)".  
Delete "(4)".

**Page 29**

**Section 11(4)/(5)**

**Line 13**

After "tests are performed.", insert "(b)".

**Line 14**

After "days before", insert "the".  
Delete "said".

**Page 29**

**Sections 11(4)/(5) and 11(5)/(6)**

**Lines 15 - 16**

After "this administrative regulation.", insert "(7)(a)".  
Delete "(5)".

**Page 29**

**Section 11(5)/(6)**

**Line 16**

After "to inject into", insert "a".

Delete "all".  
After "Class II injection", insert "well".  
Delete "wells".

**Line 17**

After "well or project.", insert "(b) The".  
Delete "However, the".

**Line 18**

After "of this", insert "administrative".  
After "Chapter 353.", insert "(c)".

**Line 19**

After "or operator", insert "shall".  
Delete "must".

**Page 29**

**Section 12(1)**

**Line 22**

After "the division a", delete the opening quotation mark.

**Page 30**

**Section 12(1)**

**Line 1**

After "Injection Well", delete the closing quotation mark.  
After "ED-23.", delete "incorporated herein by reference".

**Page 30**

**Section 12(2)**

**Line 3**

After "(2)", insert "(a)".

**Lines 4 - 5**

After "ED-18.", delete "incorporated herein by reference".

**Line 5**

After "on the", insert the following:  
twenty-eighth day of January for the previous twelve (12) months.  
(b)

Delete the following:  
28<sup>th</sup> day of January for the previous 12 months.

**Line 6**

After "shall retain all", delete "such".  
After "five (5) years.", insert "(c)".

**Line 7**

After "operator of", insert "a".  
After "enhanced recovery", insert "well".  
Delete "wells".

**Line 9**

After "well basis if", insert "the facilities: 1.".  
Delete "such facilities".  
After "injection well", insert "; 2.".  
Delete the comma.

**Line 10**

After "common manifold", insert "; and 3.".  
Delete ", and".

**Page 30**

**Section 12(3)**

**Line 12**

After "operator of", insert "a".  
Delete "all".  
After "Class II injection", insert "well".  
Delete "wells".

**Page 30**

**Section 13**

**Line 15**

After "Class II Wells.", insert "(1)".  
After "owner or operator", insert "shall".  
Delete "must".

**Line 16**

After "days of", insert "a".  
Delete "any".

**Line 17**

After "conditions.", insert "(2)".  
After "submit a", delete the opening quotation mark.  
After "Rework Report", delete the closing quotation mark.

**Lines 18 - 19**

After "of the rework.", insert the following:  
(3) If the packer unseats  
Delete "Should the packer unseat".

**Lines 20 - 21**

After "administrative regulation.", insert the following:  
(4) Injection shall not be  
Delete "No injection is".

**Page 30**

**Section 14**

**Line 23**

After "interested parties", insert a comma.

**Page 31**

**Section 14(1)**

**Lines 1 - 2**

After "complaints submitted", insert "regarding".  
Delete "in regards to".

**Line 2**

After "any concerns for", insert "the ~~endangerment~~ of".  
Delete "endangering".  
After "of drinking water", insert a semicolon.  
Delete the period.

**Page 31**



**Section 14(2)**

**Line 3**

After "intervention by", insert "a citizen if".

Delete "any citizen when".

**Line 4**

After "353.180(3)", insert "; and".

Delete the period.

**Page 31**

**Section 14(3)**

**Line 7**

After "Class II well." Insert the following:

Section 15. Confidentiality of Information. (1) Information submitted to the division pursuant to this administrative regulation may be claimed as confidential by the submitter. A claim of confidentiality shall be asserted upon submission in the manner prescribed on the application form or instructions. Other submissions shall be stamped with the words "confidential business information" on each page containing confidential information. If a claim is not made at the time of submission, the division may make the information available to the public without further notice.

(2) Claims of confidentiality shall not apply to:

(a) The name and address of any permit applicant or permittee;

(b) Information regarding the existence, absence, or level of contaminants in drinking water; and

(c) Records directed by statute to be disclosed or published.

**Page 31**

**Sections 15 – 17**

**Lines 12, 14, and 18**

Renumber Sections 15 through 17 as Sections 16 through 18, respectively.

**Page 31**

**Section 15**

**Line 12**

After "Penalties.", insert "An".

Delete "Any".

After "or operator in", insert "violation of".

Delete "noncompliance with".

**Line 13**

After "administrative regulation", insert "shall be".

Delete "is".

**Page 31**

**Section 16**

**Line 15**

After "date of primacy", insert **the following:**  
, on or after which a Class II well

Delete **the following:**

. On or after said date, Class II wells

**Line 16**

After "exempt from", insert "Sections".  
Delete "Section."

**Page 31**

**Section 17(1)(a)**

**Line 20**

After "August 2007;", delete "and".

**Page 31**

**Section 17(1)(b)**

**Line 22**

After "August 2007;", delete "and".

**Page 32**

**Section 17(1)(c)**

**Lines 1 - 2**

After "August 2007;", delete "and".

**Page 32**

**Section 17(1)(d)**

**Line 3**

After "August 2007;", delete "and".

**Page 32**

**Section 17(1)(e)**

**Line 4**

After "October 2007;", delete "and".

**Page 32**

**Section 17(1)(f)**

**Line 5**

After "October 2007;", delete "and"